G. R. S. IX-5]

Previous references.

~~191~~ .99

(G. 4)

File No. 53 of 99.

Serial Nos. 1–5

Later references.

GENERAL AND REVENUE SECRETARIAT.

Pr 9-E-1

Serial Nos. 1–5

Part B for 99

SUBJECT.

Re- fund of money advanced to Salar Sahi for Sinking a well.

Agriculture

W D 88—GPB—50,000—24-7-16

Index exd

ks

SECRETARY'S OFFICE.

REVENUE BRANCH.

OFFICE NOTE.

SUBJECT.

Submitting for sanction a refund bill for ₹ 61-4-2 payable to one Syed Sahab, Saib to whom a loan of ₹ 250/- was advanced for sinking an irrigation well.

LAST REFERENCE

Letter No. 109 dated 22-8-99

from The Revenue Bangalore

A loan of ₹ 250/- was advanced in two equal instalments of ₹ 125/- each on 26th March 92 & 28th May 92 to one Syed Sahab for sinking an irrigation well in his Khatha No. 12 situated in the village of Bikasipura in Kengeri Hobli of the Bangalore Taluk. The applicant having failed to construct

the work, the advance
was received with
interest Rs 72-14-8
calculated in accordance
with Land Rev: Rules
from the dates of
advance. The Ryot
now submits a refined
Bill for Rs 61-4-2
stating that the proper
account due from the
applicant is only Rs
11-10-6 as per Rec:
Nos 25071-79/28-6-95
R3736
and 6778-87/6-6-97.
R3568

Ever since the
introduction of the
Irrigation work, Rules
in 1891 have been
laid to execute work
works according to
the terms of their
kowlalekas the advance
made to them have
received as arrears
of Cowlay Jus with
interest.

interest at one pie
per rupee per month.
But this procedure
was put a stop to in
Govt. Proc No. 10607-16 of
1897 / 20th December 94 and
it was directed that
no interest should
be charged on preliminary
advances when default
was made in the
Construction of works.
Again in Proc: No.
25071-79 of 28-6-95
OR 3736
the above order was
cancelled and the
following received
notification was
issued
Wolfa No 25080 OR 3737.
"If default is made
in the Construction
of the work the amount
of preliminary advances
authorised by this

"rule will be recoverable
"with interest from
"the applicant as arrears
"of land Revenue"

Hence the interest
was chargeable on
recoveries made
from 20th December/94
to 28th June/95.

But the Govt. order
~~is incorrect~~ is of
opinion (which is
wrong) that interest
is chargeable only
from 28th June/95
even on such advances
made ~~prior~~ in 1892
prior to the said date
and recovered long
after in 1897.

The govt. order
No. 10778-87/0935-68 D/b 6.97
directing the recovery
of interest at 3% p.a.
for ~~the~~ ~~period~~ ~~on~~

advance made
for which where
default is made
in the conclusion
of the work. has to
take effect from
the date of the order.
Yet the by laws
applies this order
to recoveries made
prior to the issue of
order viz: 19th January 1/97.

Under these circ.
the refused re-
commended
by the by laws
is unreasonable.

Submitted to Secretary
for orders.

The advance was recovered
with interest on 19.1.97.
The rule then in force
was that laid down by
Notn no: 25080 of 28.6.95.
According to this rule, the

advance was recoverable as an arrear of Land Rev. with interest at 1/16 per rupee per mensem - or 6¼ p.c. per annum. } Govt.

The rate of interest was reduced in June 97.

The application for refund of interest levied in excess of 3 p.c. per annum was made on 21.1.98.

The account in question was rightly recovered under the Rules in force at that time.

Later said cannot claim the benefit of the amended Rule subsequently passed. Other people similarly circumstanced might in future claim similar claim if this refund is sanctioned.

Submitted to Govt for Orders

30-9-99

RD. 3/10/99
283

Serial No. 1

AUG 4 1899

1899 & 1900, 181

From The Dy Commissioner
Bangalore District

To The Secretary to the Govt
of Mysore
Gen & Rev Dept

Dated 22nd
Despatched 23rd } August 1899

Received

General No.

D No. 109

Enclosure No. 1 a file

Submits refund bill
for Rs 61-4-2, for sanction
payable to retired Com-
mandant Syed Salar
Saheb, a pattadar of lands
in Bikasipura village of
Kengeri Hobli Bangalore Taluk

Rec.
24-8-99

R. 2618

D. No. 109.

Encl. 1 in file

Bangalore District
Dy. Commissioner's Office
Bangalore 22nd August 1894.

To

The Secretary to the Government
of Mysore
Genl & Rev Departments.

Sir, I have the honor to forward, herewith, a refund bill for Rs 61-4-2 and the entire file of vernacular records connected with it, and to state that retired Commandant Syed Salar Saheb, a pattadar of lands in Bikasipura village of Kengeri Hobli, Bangalore Taluk, was promised a loan of Rs 250/- for the construction of an irrigation well under the Land Improvement Loans Regulation IV of 1890, and the amount promised was also advanced in two equal instalments on the 26th March 1892 and 28th May 1892. Subsequently, the party having failed to construct the well, the advance was recovered with interest of Rs 72-14-8 calculated in accordance with Land Revenue Rules at a higher rate, from the dates of advance. But as per Government

Proceedings

Proceedings No 25071-77 R 3736 dated the
28th June 1895, interest is to be collected
only from 28th June 1895 and also that
the rate of interest is to be 3 per cent
per annum, as per Government Proceedings
No 10778-87 R 3568 dated the 6th June 1897.
Thus, interest due is Rs 11-10-6 only
for which Rs 72-14-8 has now been
collected. Hence refund of the excess.

I have the honor to be
Sir
Your most obedient servant

for Dy. Commissioner,
Bangalore District.

hm

Serial No 9

From 6950 1899-1900.
H. Hill Dy. Commissioner, of the Bangalore District.

To The Secretary to the Govt of Mysore

Dated 21st Govt Revenue Despatch

Despatched 23rd April 1900

Received

General No.
No. 1021

Enclosure No.

Nil

Subd.
The Dy: comr's previous letter was subd: to the Revenue Commissioner, Eastern D. on 2/10/99 with note.
HS 25/4/00.

Submitted
25/4/00

D. No. 1021.

Bangalore District
Dy. Commissioner's Office
Bangalore 21st April 1900.

To,

The Secretary
to the Government of Mysore
General and Revenue Departments.

Sir.

I have the honor to invite your kind reference to my letter No. 109 dated 2nd August 1899, submitting for sanction a refund bill for Rs. 61-4-2 in favor of Syed Tahar Sahib, and to request to be favored with the orders of Government in the matter as the party has been frequently petitioning this Office about it.

I have the honor to be
Sir
Your most obedient servant

Dy. Commissioner,
Bangalore District.

Dim

To Revenue Branch for refee. pay.

15.5.00

Gl. No. 7723
REVENUE
MAY 22 1900
DEPOSIT

No. 2739

Name of Petitioner Syed Salar
Pensioned Commandant

Village Imperial Infantry
residing in House No

Taluk Civil

District Bangalore

Date of Arzi 2.5.00.

Date of Receipt 9.5.00.

Date of Disposal

No. of Enclosure Nil

Serial No 8/570

Perm Sir No 53 of 17

Ref. to Rev. Consult

45 d/s on 8/570 & 8/571

6.0 cattle No 1021 d/21/4/00 from -

2.0.05 -

D.S. Bangalore.

Rd 17/5/00

Read 18/5/00

Sibd

mdl

19.5.00

Transfd to Rev Branch
for Record
by 21/5/00

Mr Mendis Bc
Secretary
Mysore Rep
Med & Rev Commr
Eastern
Cantt

22/5/00

Sanction is hereby accorded to the refund of Rs 10.X.00 under Head 2 Land Revenue - Civil Departmental Receipts - Miscellaneous - Refunds and Drawbacks - Refunds - Refunds of Miscellaneous Revenue.

Issued to Mysore Cir
Bangalore
27/5/00
839

25/5/00

Rec'd back from Mr
D'Souza Collr — one
7.9.00

Sub'd 1st & 2nd allot
11/9/00

Rd Sec
13.9.900.

ABSTRACT

States that he had taken a loan of Rs 250/- from Govt for sinking a well in his land, that he paid the amount plus the interest thereon in a lump, that he applied to the Dy Commr praying for a refund of the excess interest which they collected, that he was given to understand

No 9 of 17. 11. 99 states
that his petn: has been
submitted to Govt recom-
mending the refund thereof
that he again submitted
a petn to Dr. Cousens
on 9. 6. 99, that the said
petn may have been sent
to Govt: by this time, that
3 years have elapsed since
he paid the interest, ~~that~~
~~4 months~~ and prays that
~~the~~ early orders may be
passed sanctioning the
refund, and that an intimation
intimating the above
may also be sent to him

J.S
14/5/00

2139

2139/11
9-5-900

By Regd. Post
11-9-5-900

2 Drafts

Endorsement.

No. 3540 of 29.10.08

fc 324

29

Sub-Register 4 7
File No. 5 3 04 +3
Serial No. 4

In reply to his petition Registered No. 2139 D/2.5.08 Syed Sabar Saib, Executive Commandant-Bangalore Infantry, residing in house No. 10 in Jolly Bangalore City is informed that his claim for the refund of interest paid by him in connection with the loan of Rs. 250/- advanced to him for sinking an irrigation well is inadmissible as the account-book rightly received under the Rules & practice in force at the time of recovery.

27/10/08

Copy to Executive Engineer Bangalore for information & reply.

No 3541 of 29.10.08

fc 325

29

G.7
No 53 of 99.
Serial No

Rec: 2 Duplicate

Letter No 1097 D/22
August 1899 from the
Divisional Engineer &
Collector Bangalore &
Submitting for sanction
a Supplementary Bill for Rs 61.4.2
payable to one Syed Sulaiman
Sait to whom a loan
of Rs 250/ was advanced
for sinking an irrigation
well.

Order thereon -

In 1892 a loan
of Rs 250/ was advanced
in two instalments
to one Syed Sulaiman Sait
for sinking an irrigation
well in the Khata land
bearing No 12 situated
in the Village of Bikanahalli
in the Bangalore
Taluk. The applicant
having failed to construct
the well, the advance

Inv P.

No 3542-3
7C326

29.10.00
VJ

was received in
January 1897 with the
interest (Rs 72-14-8)
Calculated at one
pie per rupee per
annum in accordance
with the rules then
in force. The Govt
states that under
Govt order No 25071-99
R 3736 dt
28-6-95 interest is
to be collected only from
28th June 1895 and that
under Govt order No.
10778-87
R 3568 dt 6-6-97, the
rate should be 3 per cent
per annum and submits
a revised Bill for Rs 67-4-2
for the excess amount
levied.

The interest of
Rs 72-14-8 was rightly
received under the
Rule & practice in force
at the time of recovery
viz: 19-1-97. Syed Salar
Jaib cannot claim
the benefit of the

accorded prale
subsequent & passed
in York
~~[illegible]~~ P 31-68
[illegible] and the
refund ~~[illegible]~~ is
therefore inadmissible
~~[illegible]~~
there in force.

27/10/00

for Secy

To
The Dy Chief Engineer Bangalore
East: Ke: Vern: records
& the refund bill
complete.

copd
27/10/00.